

Exhibit 3 - June 14, 2018 Martin Tripp Interview Excerpts

AUDIO TRANSCRIPTION OF TES-TRIPP_000002-Confidential

1 TESLA,) Case No. 3:18-CV-00296-LRH-CBC
2 Vs.)
3 TRIPP,)
4 _____)

**REPORTER CERTIFIED
TRANSCRIPT**

CONFIDENTIAL

AUDIO TRANSCRIPTION OF TES-TRIPP 000002

San Diego, California

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(CONFIDENTIAL TRANSCRIPT)

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1 MR. GICINTO: I don't know if there was anything
2 else. No, I don't think so. I think that's pretty much
3 it.

4 MR. NOCON: You know, I get it. You don't
5 necessarily want to point fingers at anybody or you may
6 not have an idea of who might have done this. But what
7 do you think? Why? Why would somebody -- I mean, it
8 sounds like there's a lot of issues, right?

9 MR. TRIPP: Right.

10 MR. NOCON: It sounds like there's a lot of, you
11 know, potential problems that are going on. But what
12 are your thoughts? What are your thoughts on what might
13 motivate somebody to --

14 MR. TRIPP: I don't know. Maybe money.

15 MR. NOCON: Yeah?

16 MR. TRIPP: I don't know.

17 MR. NOCON: Have you heard about that? Are
18 reporters approaching people about --

19 MR. TRIPP: So in NCM -- in the stator NCM area,
20 they were saying that somebody could get, like, 50 grand
21 for an article. I'm like, I've never heard of that.

22 MR. NOCON: Who was saying that?

23 MR. TRIPP: I don't remember who it was. I
24 don't know if it was one of the associates that were
25 working over there or whatever. And I was like,

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1 "Really?" Then somebody looked it up and couldn't find
2 anything.

3 MR. NOCON: Interesting.

4 MR. TRIPP: I mean, that's a lot of money.

5 So --

6 MR. GICINTO: Yeah. No kidding. That is a lot
7 of money.

8 MR. NOCON: I mean -- yeah. Obviously, money is
9 a strong motivator.

10 MR. TRIPP: Right.

11 MR. NOCON: People do things for reasons other
12 than money, too.

13 What do you think should happen? Like, what
14 should happen to somebody if we were to identify -- you
15 know, the company was able to identify who was actually
16 providing information? What should happen to them?

17 MR. TRIPP: I don't know. I'm not sure.

18 MR. NOCON: Okay. Why aren't you sure?

19 MR. TRIPP: I don't know what the -- I would
20 assume get fired.

21 MR. NOCON: Yeah.

22 MR. TRIPP: So -- yeah.

23 MR. NOCON: Yeah. I mean, I know the company is
24 really, really struggling with a lot of these things. I
25 mean, obviously, this is not the only negative news

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1 proximity.

2 MR. TRIPP: Exact number, right.

3 MR. NOCON: Well, the exact number, but also
4 like -- when was the company notified about the BI
5 article?

6 MR. GICINTO: It was on 1-June.

7 MR. NOCON: June 1st.

8 MR. TRIPP: Okay.

9 MR. NOCON: So we're talking about three days --
10 three days prior to --

11 MR. TRIPP: Okay.

12 MR. NOCON: -- the company finding out.

13 MR. TRIPP: Yeah.

14 MR. NOCON: You know, suddenly we've got, you
15 know, an indicator of, well, that exact bit of
16 information; at least that one little part of that
17 article went out at that time. So, I mean, that's
18 obviously concerning. I --

19 Do you remember what other e-mails that you sent
20 to yourself? Can you recall any?

21 MR. TRIPP: There's some spreadsheets, just on
22 numbers because I was working on sending the e-mail to
23 Elon. But I don't -- I don't remember. That may be why
24 that number --

25 Like I said, I apologize. I don't remember.

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1 There was a lot of e-mails and a lot of data that I look
2 at every day.

3 MR. NOCON: Right.

4 MR. TRIPP: So, yeah, unfortunately, I can't
5 say.

6 MR. NOCON: Do you -- what were the
7 spreadsheets?

8 MR. TRIPP: I think, like, just like NCM numbers
9 for the day and scrap numbers. And I did probably send
10 one that I was trying to, like, design that I was going
11 to put on Sharepoint that I was going to send to him and
12 JB and Chris Lister that had everything. And I just
13 never got around to it.

14 MR. NOCON: In addition to those spreadsheets
15 and that e-mail, is there anything else that you can
16 think of that recently --

17 MR. TRIPP: More personal, like the leadership
18 thing, the e-mail that said I was going to be the
19 leader.

20 MR. NOCON: Like the one you sent me?

21 MR. TRIPP: Yeah. And then I send -- I download
22 my pay stubs and I send those to myself.

23 MR. NOCON: Okay.

24 MR. TRIPP: Just so that I -- yeah.

25 MR. NOCON: That makes sense. That makes sense.

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1 MR. GICINTO: Okay. So this is just those
2 particular pieces of information from that Business
3 Insider article, right? We're talking about those two
4 particular data points specifically related to the scrap
5 equivalent to those \$5 foot-long Subways, right? And I
6 believe, as you mentioned before, you hadn't seen that
7 chart before.

8 MR. TRIPP: I mean, I have seen charts that
9 equate two different things. I don't remember the
10 \$5 foot-long.

11 MR. GICINTO: Seen that one, yeah, for sure. So
12 that -- and it equates it here to 137.11 miles.

13 And then we've got this other one here.

14 And you did say that you had seen the model
15 three comparison.

16 MR. TRIPP: Yeah. Yup.

17 MR. GICINTO: So we've got this 12 Model 3s at
18 103.42 cars, to be exact. So I want you to -- like,
19 these are the two numbers. The 137.11 and 103.42 is
20 what to pay attention to.

21 So I went in -- and I have a tiny screen, so
22 that's why it kind of compresses these things a little
23 bit.

24 MR. TRIPP: Yeah. That's fine.

25 MR. GICINTO: I went in and recreated the

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1 date --

2 MR. TRIPP: Okay.

3 MR. GICINTO: -- the timestamp, which we

4 actually saw the activity of who was running Tableau

5 charts. I guess I'm using the wrong term. Not charts,

6 but dashboards.

7 MR. TRIPP: Dashboards.

8 MR. GICINTO: Thank you. Forgive me.

9 And yours was running on May 27th at -- and it's

10 either going to be 12:52 and 49 seconds or 11:52 and

11 49 seconds. There's a daylight savings issue, but they

12 do match. And so here's -- here's that number right

13 down here, 137.11.

14 MR. TRIPP: Okay.

15 MR. GICINTO: On the -- and that's scrap costs

16 and miles of \$5 foot-long subways. And then I -- I just

17 confirmed -- same chart, 103.42 and the Model 3s again;

18 same time -- 5/27/2018, 12:52 and 49 seconds.

19 And here we have from the audit logs, which show

20 you accessing that particular data at 5/27. And, again,

21 this would match here.

22 MR. TRIPP: Right.

23 MR. GICINTO: It's 11, but 12:52 and 49 seconds.

24 Nobody else -- these other users -- accessed it at that

25 exact time.

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1 What's significant about that is that this
2 particular chart populates by the second. So if you
3 were to look at this 20 seconds earlier, those
4 particular numbers would be different. If you look at
5 it 20 seconds later, they are not going to be the same.

6 MR. TRIPP: Right. Right.

7 MR. GICINTO: So I guess what I'm getting at --
8 and you probably understand what I'm saying -- is that
9 at that moment in time, you were the only person in the
10 company that viewed that chart and could have acquired
11 those numbers that ended up in that Business Insider
12 article.

13 Do you follow what I'm saying?

14 MR. TRIPP: Yeah.

15 MR. GICINTO: Okay. And so that's what I think
16 is -- is sort of beyond just the e-mails that Jake was
17 talking about going out, which, yeah, as you mentioned,
18 it kind of looks bad.

19 Now we've got another piece of data --

20 MR. TRIPP: Right.

21 MR. GICINTO: -- where you are the only one who
22 viewed that chart. So that's -- you know, that's
23 where -- like, one thing. And we want to get to the
24 bottom and understand it. Now we got -- now we got two
25 things.

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1 So can you kind of help us understand maybe that
2 particular piece of data right there?

3 MR. TRIPP: It is what it is.

4 MR. GICINTO: Okay.

5 MR. NOCON: Well, let me ask you this -- I'm
6 sorry, go ahead.

7 MR. TRIPP: No. That's what I was going to say.

8 MR. NOCON: I mean -- so -- so I know -- I know
9 that Linette has been super aggressive in trying to
10 reach out to people here and talk to people here. I
11 mean, that's not a secret.

12 In this particular case, did she reach out to
13 you, or were you the one that reached out to her?

14 MR. TRIPP: I reached out to her.

15 MR. NOCON: You reached out to her? And when
16 was that?

17 MR. TRIPP: When I saw over \$200 million in
18 scrap.

19 MR. NOCON: Got it.

20 MR. TRIPP: When I was able to just raw
21 material.

22 MR. NOCON: Okay. Do you remember about the
23 date that that happened? Do you have it on your phone?

24 MR. TRIPP: No.

25 MR. NOCON: Did you reach out via e-mail?

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1 MR. NOCON: Reuters? Do you remember the
2 reporter?

3 MR. TRIPP: I can't remember her name, no.

4 MR. NOCON: Do you have record of that?

5 MR. TRIPP: I probably do. I delete stuff
6 pretty quick, though.

7 MR. NOCON: Yeah.

8 MR. TRIPP: Yeah. So just -- I was trying to
9 cover my tracks.

10 MR. NOCON: Got it.

11 MR. TRIPP: But, yeah. I asked her
12 specifically, "If you could, please" -- "they are going
13 to run this article, and I don't want to have, like,
14 conflicting things."

15 MR. NOCON: Sure. Sure. Sure.

16 How did you -- when you sent out the e-mails, do
17 you have a personal computer?

18 MR. TRIPP: Yes.

19 MR. NOCON: Okay. Is that where you sent them
20 from?

21 MR. TRIPP: Yeah. Yes. I mean, I sent stuff
22 to, as you know, my personal -- to my personal e-mail.

23 MR. NOCON: Your iCloud account, uh-huh.

24 MR. TRIPP: Yeah. And then from my phone.

25 MR. NOCON: Okay. So then you sent things from

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1 degrades. So --

2 MR. NOCON: Sure.

3 MR. TRIPP: So I can either log in if you want.
4 I can log in to my iCloud and we can see if that folder
5 got deleted, or I can put "deleted" -- delete it as
6 deleted or whatever.

7 MR. NOCON: Right.

8 MR. TRIPP: If you feel more comfortable with
9 that.

10 MR. NOCON: Let me think about it and actually
11 talk to somebody and see if they are actually
12 recoverable or not.

13 MR. TRIPP: Yeah. So my intent was I don't
14 really care if I save the pictures. I sent the
15 pictures -- most of them were --

16 I'm sorry. I should have showed you before I
17 deleted it, but it was validation of my numbers. So a
18 lot of it was I just take a picture of my screen with
19 the work bench -- my single work bench query. And it
20 would just show, like, the number that was pulled and
21 then like dates and Tableau reports even.

22 Like, I built one that filters out. You can
23 probably see it. It's pretty recent -- last week or two
24 weeks ago -- that filters on bandoliers, modules --

25 MR. NOCON: Right.

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1 MR. TRIPP: -- stator and, I think, rotor, just
2 because rotor is a high dollar item; it's \$1,041 I
3 think.

4 MR. NOCON: So is that how she got the numbers
5 as far as that one dashboard that had the -- was that a
6 screen shot or a picture of your screen, or did you
7 forward her, like, a screen shot of that?

8 MR. TRIPP: The 150 million?

9 MR. NOCON: No, no, no. It was the cars.

10 MR. TRIPP: Yeah.

11 MR. NOCON: The cars or Subway sandwiches.

12 MR. TRIPP: Screen shot --

13 MR. NOCON: That was a screen shot?

14 MR. TRIPP: -- or picture of the screen.

15 MR. NOCON: Got it.

16 MR. TRIPP: Like, literally, like, click.

17 MR. NOCON: Got it. Okay.

18 MR. TRIPP: And I didn't even remember the --
19 that's why I literally -- I was out of line. I did not
20 remember because I was pulling -- I was not only --

21 So I tried to do this all while I wasn't on the
22 clock, too, so I didn't want to use Tesla's time. So
23 I'd take a break, and I would do it during a break or
24 during lunch or things like that. I would try to --

25 MR. NOCON: Got it.

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1 MR. TRIPP: So if that says anything.

2 MR. GICINTO: You were thinking -- you were
3 thinking about it.

4 MR. TRIPP: Right, right. But I also pull,
5 like, real data -- like, really valid data for my job
6 while I was doing it. So sometimes I would click -- I
7 would say, okay, I'm going to do this one while I'm
8 waiting for this. Because sometimes your queries take
9 two minutes to load, right?

10 MR. NOCON: Right.

11 MR. TRIPP: I got one report that takes, like,
12 ten minutes to load just because it takes forever; it's
13 mining so much data. And it's specifically for work to
14 help do our job. So, yeah, most of them are always the
15 screen shots.

16 MR. NOCON: Got it.

17 MR. TRIPP: Yeah.

18 MR. NOCON: So after that article came out on
19 June 4th, I think there was another article that came
20 out that had a video attached to it.

21 MR. TRIPP: I have not seen that.

22 MR. NOCON: Okay. You didn't provide that
23 video?

24 MR. TRIPP: What is the video about?

25 MR. GICINTO: The video is of the machine that

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1 MR. NOCON: Okay.

2 MR. TRIPP: No.

3 MR. NOCON: All right.

4 MR. TRIPP: And there are a few things that I
5 brought up. I told them I saw two people going to the
6 bathroom and they both came out holding hands like a
7 half an hour later.

8 I was in the mezzanine watching it and said
9 something to the supervisor. And they blew it off. And
10 they were like, "Oh, we should do a story." And I'm
11 like, "No, I wouldn't even bother," you know, that's
12 nothing. That's, like, nothing. That's kind of like
13 fishing in the air or whatever, pulling straws out of
14 whatever.

15 MR. NOCON: Yeah. Yeah.

16 MR. TRIPP: So they were like, "Yeah, that's
17 fine." So -- but they never --

18 So you can definitely tell she has a grudge
19 against Elon, for whatever reason. I mean -- and I
20 would always try to -- like a few times they wanted to,
21 like, maybe push him because he made the comments about
22 the media maybe; I don't know.

23 But I always steered back to the facts, always
24 to the actual information.

25 MR. NOCON: Right.

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1 MR. TRIPP: I did not want any misinformation
2 getting out at all.

3 MR. NOCON: Right.

4 MR. TRIPP: In fact, if I was going to give
5 that -- I even told them, "If you can't give 100 percent
6 facts of what I give you" --

7 MR. NOCON: Right.

8 MR. TRIPP: -- "then please do not do it
9 under" -- "unless you have another source that you can
10 write an article under them. I don't want to be any
11 part of it." I did tell them; they completely agreed.

12 MR. NOCON: Okay.

13 MR. TRIPP: So she was, literally, calling me,
14 like, five minutes before she went on CNN last Sunday.
15 So -- like, asking me questions. And that was, like,
16 one of the times you could tell she had a little beef
17 with Elon.

18 I was like, "Oh, my God. She's going to say
19 something on CNN." And then, luckily, she kept to the
20 Trump visit at the G7 Summit.

21 MR. NOCON: Right.

22 Did they ever offer to compensate you for your
23 time?

24 MR. TRIPP: No. Nope. And I never asked, and I
25 would not.

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1 MR. NOCON: Okay. What about that 50,000? Is
2 that, like, legit, somebody offered?

3 MR. TRIPP: I don't know. Somebody said it.
4 Literally, I'm -- I'm only going to tell you the truth.
5 Like, I may evade, like, I was trying to do, but I don't
6 lie.

7 MR. NOCON: Okay.

8 MR. TRIPP: We were sitting up there talking,
9 and that's when the article came out. And everyone was
10 kind of reading it. And somebody said, "Who would" --
11 or what would -- same question -- "What would drive them
12 to give information?"

13 Then somebody said money. And then I kind of
14 was, like, fishing a little bit and said, "How much
15 money do you think you can get for an article like
16 that?"

17 MR. NOCON: Right.

18 MR. TRIPP: And somebody said, like, 50 grand.
19 I'm like, "Really? There's no way." Then we like
20 looked it up, like, how much money can you get for a
21 news story. And there's no information -- like, you
22 know.

23 MR. NOCON: Right.

24 MR. TRIPP: So -- and I know for a fact that I
25 had a buddy as the CFO at Johnson Level & Tool -- I

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1 MR. NOCON: That's fine.

2 MR. TRIPP: I'll message Mark. He keeps asking
3 me.

4 MR. NOCON: He's showing me the area where they
5 have the contained -- all the bad modules.

6 MR. GICINTO: Oh, okay.

7 MR. NOCON: It's over --

8 MR. GICINTO: Gotcha. I was going to go ask
9 about the iCloud question. I apologize; I'll be right
10 back.

11 MR. NOCON: Okay.

12 MR. GICINTO: Thanks.

13 MR. HENDERSON: Are you saying those racks right
14 there?

15 MR. GICINTO: Our question is if we deleted it
16 off the iCloud, whether or not that is retained. You
17 delete it from your phone; does that delete the access
18 on your phone, or does it delete it from the iCloud?

19 MR. TRIPP: Because it doesn't have a "delete"
20 folder.

21 MR. GICINTO: Right. Got it.

22 All right. Thanks.

23 MR. TRIPP: So this is the spreadsheet. You can
24 scroll to the right to see, like, the actual, like,
25 totals. So that's -- I basically just ran a query on

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1 those part numbers as a scrap.

2 MR. NOCON: And this is what's on SharePoint?

3 MR. TRIPP: Yeah. SharePoint, Excel, yeah. And
4 the only thing I have on there is a -- it's, like, thing
5 query. It was on a BVA that I was trying to do. And I
6 was going to try to do it on the weekend when my wife
7 went for a walk with my son. But I just never got
8 around to do it. So that's the only thing on that.

9 MR. NOCON: So that 2.92 percent, that's
10 2.92 percent of the value of --

11 MR. TRIPP: Of 44,000.

12 MR. NOCON: By three.

13 MR. TRIPP: But that's, like, what we sell it
14 for or something close to that. I don't know the exact
15 number.

16 MR. NOCON: I thought it was supposed to be 35.

17 MR. HENDERSON: It's 35, but they only
18 released --

19 MR. TRIPP: So here's the thought, too. That,
20 to me, is a fabrication to the public because we're
21 actually not going to sell at that price, because we
22 can't. So -- and the front wheel drive -- so it's going
23 to be the short-range rear-wheel drive only.

24 MR. NOCON: Yeah.

25 MR. TRIPP: We haven't even finished the

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1 batteries for the short-range. It's supposed to be 35.
2 Now they are talking 42 or something. So I think the
3 one they are selling now, the long-range three-wheel
4 drive is, like, 46 or something. So I just put 44.

5 MR. NOCON: Got it.

6 MR. TRIPP: I threw a number in there just to,
7 like, show something --

8 MR. NOCON: Right.

9 MR. TRIPP: -- for the raw material, because
10 that's what we're really talking about. Probably, like,
11 16 -- 18,000 or something; I don't know.

12 So that's why I just put a higher number to make
13 that number look better. So I was actually trying to
14 make us look good.

15 MR. NOCON: When are they set to break ground on
16 the next, I guess -- what do you call the different
17 sections of the -- because the building is supposed to
18 get bigger, right?

19 MR. TRIPP: I was told it's on hold
20 indefinitely.

21 MR. NOCON: Oh, yeah.

22 MR. TRIPP: Because either they pay us to
23 manufacture, or they pay the construction worker. That
24 came from John Sheridan.

25 MR. HENDERSON: Sheridan, yeah. The next

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1 number look lower so marginally it's not as high of a
2 percentage against that value. So I was trying to do a
3 service, how the numbers looked.

4 MR. GICINTO: Gotcha.

5 MR. TRIPP: I even told them that. I told
6 Linette and her editor.

7 MR. GICINTO: Okay. Gotcha. So after, you
8 know, you've worked with her, I guess, for a few weeks
9 do you -- what's your assessment of working with her?
10 Do you feel like she did honor her agreements with you
11 in terms of respecting your wishes?

12 MR. TRIPP: Yes. Yeah, I believe that.

13 MR. GICINTO: Okay. Anything you would have --
14 maybe in this moment probably an interesting question to
15 ask, but in hindsight something you would have done
16 differently in working with her?

17 MR. TRIPP: Cover my tracks.

18 MR. NOCON: Fair enough.

19 MR. TRIPP: I don't know. I -- I can say she
20 definitely has it out for Elon. I don't know the root
21 cause.

22 MR. GICINTO: Did she ever explain why?

23 MR. TRIPP: No. I kind of asked her. I said,
24 "So what is about Elon?" She's like, "Did you read my
25 article?" And I can kind of see a side of that, you

REPORTER'S CERTIFICATION

I, Josie C. Gonzalez, a Certified Shorthand

5 Reporter in and for the State of California, do hereby
6 certify:

8 That the foregoing audio file was reported by me
9 stenographically to the best of my ability and later
10 transcribed into typewriting under my direction; that
11 the foregoing is a true record of the audio file.

13 IN WITNESS WHEREOF, I have subscribed my name
14 this 27th day of September, 2019.

Josie Gonzalez
JOSIE C. GONZALEZ
CSR No. 13435